

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America
v.
SEAN ROBERT LOVEWELL

Case No.

1:20-mj- 00265-CL

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 30, 2020 in the county of Douglas in the
District of Oregon, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm or Ammunition

18 U.S.C. § 924(c)(1)(A)

Possession of a Firearm in Furtherance of a Drug Trafficking Offense

21 U.S.C. § 841(a)(1)

Possession with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

Please see attached affidavit of ATF Special Agent Samuel Suyehira

☐ Continued on the attached sheet.

S/ Samuel Suyehira

Complainant's Signature

Samuel Suyehira, ATF Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 3 a.m./p.m.

Date: 10/28/20

City and state: Medford, Oregon

Judge's signature

MARK D. CLARKE, United States Magistrate Judge

Printed name and title



DISTRICT OF OREGON, ss: AFFIDAVIT OF SAMUEL W. SUYEHIRA

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Samuel W. Suyehira, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since December 2016. I am currently assigned to the Medford, Oregon Satellite Office and I investigate violations of Federal laws, including but not limited to firearms trafficking, narcotics trafficking, the commission of violent crimes, and conspiracy.

2. I obtained a Bachelor of Arts degree from the College of Idaho in Caldwell, Idaho in Chemistry. I completed the Federal Law Enforcement Training Center Criminal Investigators Training Program and the ATF National Academy Special Agent Basic Training Program. During this time, I received instruction relating to the investigation of Federal firearms and narcotics violations. Prior to joining ATF, I was a Criminalist for the Canyon County Sheriff's Office Forensic Science unit in Canyon County, Idaho.

3. I submit this affidavit in support of a criminal complaint and arrest warrant for Sean Robert LOVEWELL (DOB: XX/XX/1988) for: Felon in Possession of a Firearm or Ammunition, in violation of 18 U.S.C. § 922(g)(1); Possession of a Firearm in furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c); and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine, in violation of 21 U.S.C. § 841(a)(1)(A).

4. As set forth below, there is probable cause to believe, and I do believe, that Sean Robert LOVEWELL (hereinafter "LOVEWELL") committed Felon in Possession of a Firearm or

Ammunition; Possession of a Firearm in furtherance of a Drug Trafficking Crime; and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; (c) my review of criminal history records maintained by various law enforcement agencies; and (d) information gained through my training and experience.

Applicable Law

6. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws and am aware of the following statutes:

- **18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm or Ammunition:** It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- **18 U.S.C. § 924(c) - Possession of a Firearm in Furtherance of a Drug Trafficking Crime** – Except to the extent that a greater minimum sentence is otherwise provide by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm.
- **21 U.S.C. § 841(a)(1)(A) – Distribution, or Possession with Intent to Distribute a Controlled Substance:** It shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

//

//

Statement of Probable Cause

7. On or about August 30, 2020, a Douglas County Interagency Narcotics Team (hereinafter "DINT") detective received information that LOVEWELL was in possession of a large amount of methamphetamine, was staying in a specific hotel in Roseburg, Oregon, and was driving a white SUV-type vehicle.

8. Law enforcement responded to the hotel and observed a white 2019 Mazda CX-5 with an Arizona License Plate (hereinafter "white Mazda") parked at the Holiday Inn. Detectives queried the vehicle through law enforcement database, which showed the vehicle owned by Avis Rental Cars.

9. A DINT detective deployed a narcotics canine on the white Mazda. The DINT detective noted in his report that the narcotics canine showed a "change of behavior" under the front portion area of the vehicle.

10. DINT detectives then learned that a Douglas County Sheriff's Office (hereinafter "DCSO") Deputy possessed probable cause to arrest LOVEWELL on felony charges of Attempt to Elude Law Enforcement in a Vehicle from an incident on or about May 8, 2020.

11. Continuing on or about August 30, 2020, DINT detectives observed LOVEWELL exit his hotel room and walk to the lobby area of the hotel, appear to obtain food, and return to his hotel room.

12. A short time later, DINT detectives contacted LOVEWELL as he exited his hotel room and approached the white Mazda. DINT detectives detained LOVEWELL and advised him of his *Miranda Rights*. DINT detectives asked LOVEWELL for consent to search the white

Mazda, which LOVEWELL granted. DINT detectives did not locate anything illegal or of evidentiary value in the white Mazda.

13. While in custody, DINT detectives questioned LOVEWELL, who provided the following, in substance:

- LOVEWELL advised he was in the Roseburg, Oregon area to purchase a motorcycle.
- LOVEWELL advised that he could make a phone call and purchase a half pound of methamphetamine from a drug dealer in the Douglas County, Oregon area.
- DINT detectives asked LOVEWELL for consent to search his hotel. LOVEWELL advised he did not want law enforcement to contact Witness 1 (hereinafter "W1") because W1 would be upset if law enforcement was around.
- LOVEWELL then advised he wished to call W1 by phone.
- LOVEWELL advised he would walk with law enforcement to his hotel room where detectives could speak to W1 about consent to search the room.

14. DINT detectives escorted LOVEWELL toward his hotel room. As they approached the hotel room, LOVEWELL kicked the door to the hotel room and yelled, in substance, for W1 to not open the door because "the cops are here." To prevent the destruction of evidence, law enforcement entered the hotel room and detained W1.

15. DINT detectives secured the room and applied for a search warrant, which was granted by Douglas County Circuit Court Judge Frances Burge. During the search of LOVEWELL's hotel room, detectives recovered the following items of evidence:

- A blue "Ozark" backpack containing numerous car titles and other documents indicating LOVEWELL was in possession of the backpack;
- A black "Black and Decker" bag containing a scoop, digital scales, packaging supplies, and other paraphernalia, located in the blue "Ozark" backpack;
- A loaded Mossberg, Model MC1-sc, 9mm caliber pistol, serial number 011931CP, located in the blue "Ozark" backpack;
- A plastic bindle containing approximately 0.7 grams of suspected heroin, located in the blue "Ozark" backpack;
- A red/white "Milwaukee" bag, located in the blue "Ozark" backpack;
- A large "Ziploc"-style bag containing approximately 812.9 grams suspected methamphetamine, located in the red/white "Milwaukee" bag.

16. The suspected methamphetamine field-tested presumptive positive for the presence of methamphetamine. The suspected heroin field-tested presumptive positive for the presence of heroin.

17. On or about September 22, 2020, the Oregon State Police Forensic Laboratory completed testing on the seized methamphetamine and confirmed the presence of methamphetamine with a weight of 794.36 grams.

18. I subsequently consulted an ATF Special Agent trained in making interstate nexus determinations for firearms and ammunition who informed me that Mossberg brand pistols are firearms as defined by the Gun Control Act and are not manufactured in the state of Oregon. Therefore, the firearm LOVEWELL possessed on or about August 30, 2020 travelled in, or affected, interstate or foreign commerce.

19. I subsequently reviewed LOVEWELL's criminal history, which appeared to show at least the following felony convictions where defendant was sentenced to prison for more than one year:

- On or about November 4, 2009, Lane County Circuit Court, Criminal Driving while Suspended, Docket #200913352.
- On or about November 4, 2009, Lane County Circuit Court, Identity Theft (four counts) / Criminal Driving while Revoked, Docket #200921194.
- On or about October 28, 2013, Lane County Circuit Court, Unauthorized Use of a Motor Vehicle, Docket #201317930.
- On or about March 8, 2018, Lane County Circuit Court, Felon in Possession of a Firearm (two counts), Docket #18CR00851.

//

//

Conclusion

20. Based on the foregoing, I have probable cause to believe, and I do believe, that Sean Robert LOVEWELL committed Felon in Possession of a Firearm or Ammunition, in violation of 18 U.S.C. § 922(g)(1); Possession of a Firearm in furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(e); and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine, in violation of 21 U.S.C. § 841(a)(1)(A).

21. I therefore request that the Court issue a criminal complaint and arrest warrant for Sean Robert LOVEWELL.

22. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were reviewed by Assistant United States Attorney (AUSA) Marco Boccato and AUSA Boccato advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrants.

S/ Samuel W. Suyehira

SAMUEL W. SUYEHIRA
ATF Special Agent

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 3
a.m./p.m. on 10/28/20.

HONORABLE MARK D. CLARKE
United States Magistrate Judge